



# CITY OF MEMPHIS

## COUNCIL AGENDA

May 20, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (May 6, 2008)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for F I R S T reading.

Flinn

Ordinance No. 5264

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCES - SECOND READING**

2. **ORDINANCE** to amend Chapter 9, Code of Ordinances, City of Memphis, so as to amend Section 9-56-11, pertaining to an increase in the monthly fees charged for the collection and disposal of solid waste, up for S E C O N D reading.

Halbert

Ordinance No. 5261

Director of Public Works and Director of Finance recommend approval

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** establishing the Fiscal Year 2009 Operating Budget for the City of Memphis, up for S E C O N D reading.

Halbert

Ordinance No. 5262

values

**ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2009, up for S E C O N D reading.

Halbert

Ordinance No. 5263

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING**

5. RESOLUTION accepting PISGAH FOREST P.D. and authorizing release of bond.

Case No. PD 00-377cc  
(Contract No. CR-4804)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Pisgah Road, north of Macon Road. The standard improvement contract was approved on July 15, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$77,000.00. This action is subject to County approval.

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of SHERRILL SUBDIVISION.

Case No. S 03-031

Resolution approves the final plat located on the northeast corner of North Second Street, northwest of T.M. Henderson Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of FULLER'S PERKINS ROAD SUBDIVISION.  
Case No. S 07-043

Resolution approves the final plat located on the southeast corner of Perkins Road and Normandy Lane. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of BARTLETT COMMONS C-P, PHASE 5.  
Case No. Z 97-120  
Contract No. CR-5107

Resolution approves the final plat located on the west side of Kirby Whitten Road, 524 feet south of Summer Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of RUBY OAKS SUBDIVISION.  
Case No. S 07-041  
Contract No. CR-5108

Resolution approves the final plat located on the southeast corner of Hernando Road and Alcy Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of MEMPHIS INTERMODAL FACILITY OLD LAMAR AVENUE IMPROVEMENTS and SEWER RELOCATION.  
Contract No. CR-5109

Resolution approves the final plat located on the east side of U.S. Highway 78, north of John's Creek. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of GOODLETT FARMS EAST P.D., PHASE 16.  
Case No. PD 90-317cc

Resolution approves the final plat located on the southside of Goodlett Farms Parkway, 830 feet east of the intersection of Charles Bryan Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)



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## MLGW FISCAL CONSENT

12. RESOLUTION awarding contract for trucks, vans and sedans as follows: (Held from 5/6)

Gossett Motor Cars.....	\$370,036.30
Crossroads Ford.....	379,444.40
Golden Circle Ford.....	<u>364,948.00</u>
Total:	\$1,114,428.70

13. RESOLUTION approving Change No. 7 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction in the funded amount of \$401,809.55. (This covers reimbursement of expenses for labor, equipment and meals due to the storm of February 5, 2008.)
14. RESOLUTION approving Change No. 4 to Contract No. 10973, Floor Maintenance, with Kimco Corporation in the funded amount of \$22,318.67. (This renews the contract for the fourth renewal term, July 14, 2008 to July 13, 2009.)
15. RESOLUTION approving Change No. 4 to Contract No. 10977, Tires and Tire Service, with Southern Tire Mart, LLC, in the funded amount of \$511,290.16. (This renews the contract for the fourth renewal term, June 12, 2008 to June 11, 2009.)
16. RESOLUTION approving Change No. 2 to Contract No. 11092, Over-the-Phone Interpreter Service, with Language Line Services in the funded amount of \$112,200.00. (This increases the contract value to the end of the current term ending July 31, 2008, and renews the contract for the second renewal term, August 1, 2008 to July 31, 2009.)
17. RESOLUTION approving Change No. 6 to Contract No. 11168, Medical Services, with Nursefinders, Inc. in the amount of \$8,016.00. (This covers payment of outstanding invoices and a placement fee for a Medical Assistant.)
18. RESOLUTION approving Change No. 5 to Contract No. 11208, Water Production Well, with Layne-Central in the funded amount of \$15,680.00. (This covers 98' of surface casing at Mallory Well 1C.)
19. RESOLUTION awarding contract for one cable fault locator to Hipotronics c/o USI in the amount of \$30,240.00.

20. RESOLUTION awarding 12-month contract for ductile iron pipe to Griffin Pipe Products Company in the amount of \$1,906,393.00.
21. RESOLUTION awarding contract for steel expressway poles to Union Metal c/o John J. Aertker Company in the amount of \$43,000.00.
22. RESOLUTION awarding 12-month contract, with option to renew for two additional 12-month periods, for selected auto parts to NAPA-Genuine Parts Company in the amount of \$77,514.80.
23. RESOLUTION awarding 36-month contract for sodium hypochlorite to Vertex Chemical Corporation in the amount of \$1,472,500.00.
24. RESOLUTION approving employment of Randolph Occupational Medical Services on an as-needed basis at agreed-upon hourly rates.
25. RESOLUTION granting MLGW's General Counsel contract authority in the amount of \$34,715.18 for one claim settlement contract.



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## REGULAR AGENDA

### GENERAL ORDINANCE– THIRD AND FINAL READING

26. **ORDINANCE** amending Chapter 5, Code of Ordinances, City of Memphis, to update  
44 and amend regulations regarding animals and fowls by adding sections 5-41 through 5-  
establishing an Animal Shelter Advisory Committee, for the purpose of advising the  
animal shelter on matters related to the humane operation of the animal shelter, up for  
T H I R D and F I N A L reading.

Brown

Ordinance No. 5260

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

### DIVISION OF FIRE SERVICES

27. **RESOLUTION** to designate a charitable gift of forty (40) Continuous Positive Airway  
Pressure units from the Community Foundation of Greater Memphis for use by the  
Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. **RESOLUTION** allocating and appropriating \$232,330.00 to the Fiscal Year 2008  
Operating Budget to enhance the capabilities of State and Local Emergency Preparedness  
and Response Personnel through the development of a State and urban area Homeland  
Security-Training Program for the Division of Fire Services for a total appropriation of  
\$232,330.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES**

29. RESOLUTION appropriating \$58,000.00 in GS01001, City Hall Improvements for various upgrades and renovations to City Hall.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

30. RESOLUTION appropriating the bid amount of \$21,844.00 plus contingency in the amount of \$1,756.00 in Construction funds, funded by G.O. Bonds General, for a total contract amount of \$23,600.00 for Lichterman Slab Repair.

Strickland

Council did include Lichterman Water Remediation, CIP Project Number PK08013 as part of the FY 2008 Capital Improvement Program. Two bids were received on March 28, 2008 for Lichterman Slab Repair with the lowest and best bidder being the firm of Uretek ICR Mid-South in the amount of \$21,844.00.

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION allocating \$756,000.00 in Architect/Engineering funds, \$6,300,000.00 in Construction funds, \$500,000.00 in Furniture Fixtures and Equipment and \$85,000.00 in Information Technology funds, funded by G.O. Bonds General. Resolution also seeks to appropriate \$756,000.00 in Architecture/Engineering.

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2008 Capital Improvement Budget by accepting grant funds in the amount of \$99,346.00 for CIP Project Number PK01024, Community Center Improvements. Resolution also seeks to appropriate \$99,346.00 in Furniture, Fixtures and Equipment.

Strickland

ACTION REQUESTED: Adopt the resolution



**DIVISION OF POLICE SERVICES**

33. RESOLUTION to allow persons employed with the City's Division of Police Services, after the date of this resolution, to reside within twenty (20) miles of the county line of Shelby County, Tennessee. (Held from 5/6)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting grant funds in the amount of \$350,000.00 from the State of Tennessee, Office of Justice Programs to implement the Internet Crimes Against Children Initiative to enhance investigations and increase forensic capabilities. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

35. RESOLUTION accepting grant funds in the amount of \$340,000.00 from the State of Tennessee Department of Environment and Conservation for the operation and maintenance of the Memphis/Shelby County Household Hazardous Waste Collection Facility.

Morrison

Director of Public Works and Director of Finance recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation of \$334,218.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to Castalia Person and BNSF Railroad, Project Number SW02069 for the replacement of existing sewer line. Resolution also appropriates \$334,218.00 funded by Sewer Revenue Bonds for Castalia Person Sewer Repair, Project Number SW02069 for a construction contract with ENSCOR, LLC for the replacement of existing sewer line.

Morrison

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING**

37. **ORDINANCE** rezoning the west side of Getwell Road; +805 feet north of Crowfarn Drive, containing 2.26 acres in the Single Family Residential (R-S8) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5259  
Case No. Z 08-101

Applicant: John R. McCommon  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**16 NOTICES MAILED ON MAY 9, 2008**

**DIVISION OF PLANNING & DEVELOPMENT**

38. RESOLUTION approving a hotel waiver for Quality Suites located at 8166 Varnavas Drive, Cordova, Tennessee.

Lowery

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving a hotel waiver for Royal Inn & Suites located at 3685 American Way.

Lowery

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

40. RESOLUTION approving a planned development located on the southeast corner of Union Avenue and E. Parkway South, containing 6.49 acres in the Duplex Residential (R-D) District.

Lowery

Case No. PD 06-368

Applicant: Memphis Theological Seminary  
Nathan Bicks – Burch, Porter & Johnson, PLLC – Representative  
Brenda Solomito – Solomito Land Planning - Representative

Request: Planned development to permit a college/university as an institutional campus with accessory facilities

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**76 NOTICES MAILED ON MAY 9, 2008**

41. RESOLUTION approving a planned development located on the east side of Big Creek Drainage Canal; south side of Woodstock Cuba Road, containing 303.88 acres in the Agricultural (AG) District.

Lowery

Case No. PD 08-309cc

Applicant: Big Creek Golf, LLC

Request: Planned development to allow for a site plan review and development phases of an existing golf course and a new clubhouse and other accessory facilities

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**87 NOTICES MAILED ON MAY 9, 2008**

42. RESOLUTION approving street/alley closure located on the south side of E. H. Crump; ±506.38 feet east of East Street, containing 1.3 acres in the Highway Commercial (C-H), Light Industrial (I-L), Heavy Industrial (I-H) and Hospital (H) Districts.

Lowery

Case No. SAC 07-613

Applicant: Memphis Housing Authority  
Rick Kershaw – Representative

Request: Close & Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action deems advisable

**16 NOTICES MAILED ON MAY 9, 2008**

43. RESOLUTION approving a street/alley closure located on the southwest corner of Georgia Avenue and Florida Street, containing 4,269 square feet in the Bluffview Residential (R-B) District.

Lowery

Case No. SAC 07-615

Applicant: State Place, LLC

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**47 NOTICES MAILED ON MAY 9, 2008**

44. RESOLUTION approving a street/alley closure located ±127.03 feet west of Dunlap Street, containing 1,575 square feet in the Light Industrial (I-L) and Single Family Residential (R-S6) Districts.

Lowery

Case No. SAC 07-616

Applicant: FPC Realty  
Charles Goforth – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**26 NOTICES MAILED ON MAY 9, 2008**

45. RESOLUTION approving a street/alley closure located  $\pm$ 225 feet south of Gene Logan Drive, containing 8,090 square feet in the Light Industrial (I-L) and Single Family Residential (R-S6) Districts.

Lowery

Case No. SAC 07-617

Applicant: FPC Realty  
Charles Goforth – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**18 NOTICES MAILED ON MAY 9, 2008**

46. RESOLUTION approving a street/alley closure located on Resources Drive beginning on the east side of Sycamore View Road and the west side of Dovecrest Road, containing 17,130 square feet in the Single Family Residential (R-S8) District.

Lowery

Case No. SAC 07-618

Applicant: Kenneth Hunt  
Michael Fahy – Prime Development Group, Inc. – Representative

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**20 NOTICES MAILED ON MAY 9, 2008**

47. RESOLUTION approving a special use permit located on the northeast side of Lamar Avenue (U.S. 78) at Dunn Avenue, containing 2.0 acres in the Highway Commercial (C-H) District.

Lowery

Case No. SUP 08-208

Applicant: Jatin Kumar  
Architecture Interiors Planning – Representative

Request: Special Use Permit to allow a new motel building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**40 NOTICES MAILED ON MAY 9, 2008**

48. RESOLUTION approving a special use permit located on the south side of Vanuys Road; 203 feet east of Catalina Street, containing 1.73 acres in the Duplex Residential (R-D) District.

Lowery

Case No. SUP 08-209

Applicant: Tower Ventures V, LLC

Request: Cell Tower (130 ft. monopole with flush-mounted CMCS antennae)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**121 NOTICES MAILED ON MAY 9, 2008**

**GENERAL ITEM**

49. RESOLUTION approving an honorary street name change on Madison Avenue, between Rembert and Barksdale Streets in honor of Thomas Boggs. (Held from 5/6)

Strickland

ACTION REQUESTED: Adopt the resolution

**PRESENTATIONS AND RECOGNITION OF VISITORS**

50. RESOLUTION recognizing Mr. Julius C. Lewis.

Fullilove

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ON**

51. RESOLUTION approving a hotel waiver for Holiday Inn located at 2240 Democrat Road, Memphis, TN 38132.

Lowery

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 11 – Approved
12. This item was split into (2) Special Items; Special Item #3 – Gossett Motor Cars & Crossroads Ford was Approved. Special Item #4 – Golden Circle Ford Failed, but the bid was given to Crossroads Ford and it was Approved
13. Through 30 – Approved
31. Dropped
32. Approved
33. Dropped
34. Through 38 – Approved
39. Held until June 17, 2008
40. Approved, as amended
41. Approved
42. Held until the Second Meeting in May 2009
43. Through 46 – Approved
47. Held until June 17, 2008
48. Through 51 – Approved

**ACTION TAKEN ON THE MINUTES OF MAY 6, 2008 MEETING**

Approved, as amended. Item #30 - Hotel Waiver for Budget Lodge Failed on May 6, 2008, but this item was reconsidered at tonight's meeting and it was Approved.

**ACTION TAKEN ON THE MINUTES OF Item #12 - Special Item #3 & Special Item #4 and Item #25, from tonight's meeting**

Approved